IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 22074 of 2004

Between:

1 Kolagani Venkata Laxmi, W/o. Ramana,
R/o. Nyayampudi Village, Nakkapalli Mandal,
Visakhapatnam District.
2 Gorinta Simhachalam, W/o. Manneswara Rao,
R/o. Nyayampudi Village, Nakkapalli Mandal,
Visakhapatnam District.

..... PETITIONERS

AND

1 The Head Master and Election Officer,
School Parents Committee, M.P.U.P.School, Nyayampudi Village,
Nakkapalli Mandal, Visakhapatnam District.
2 The Mandal Educational Officer, Mandal Parishad,
Nakkapalli Mandal, Visakhapatnam District.
3 The District Educational Officer, VUDA Buildings,
Siripuram Junction, Visakhapatnam District.
4 Yamagiri Chilakayya, S/o. Kannayya,
R/o. Nyayampudi Village, Nakkapalli Mandal,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring election of the 4th respondent as Chairman of the Parents, Teachers Association of Nyayampudi Village, Nakkapalli Mandal, Visakhapatnam District is illegal and malefide and not in accordance with the rules made under the School Education Committee Rules, 1998 and set aside the same and consequently direct the respondent to conduct election to the parents Teachers Association of Nyayampudi Village, Nakkapalli Mandal, Visakhapatnam district.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for the Respondent Nos. 1 to 3: GP FOR EDUCATION

Counsel for the Respondent No.4:

The Court at the admission stage made the following ORDER:

This Writ Petition is filed by the petitioners, who are two in number, aggrieved by the action of first respondent in declaring fourth respondent as Chairman of the Parents, Teachers Association of Nyayampudi Vilalge, Nakkapalli Mandal, Visakhapatnam District, as illegal, *malafide* and not in accordance with the rules made under the School Education Committee Rules, 1998.

2. According to the petitioners, they are the parents of the students studying in the M.P.U.P.School, Nyayampudi Village, Nakkapalli Mandal, Visakhapatnam District. As per the provisions of the A.P. School Education (Community Participation) Act, 1998, Committees are constituted to monitor the functioning of the schools. The School Committee shall consist of five members, of whom, there shall be four parents of the children enrolled in the school; and elected by the parents of the children enrolled in the school and the Headmaster or where there is no Headmaster, the Senior most teacher of the school shall be the Member Convener; of the four parent members, there shall be atleast two women and one person belonging to scheduled caste or scheduled tribes or backward classes or minorities. The Chairman of the Committee shall be elected by the members from among the parent members. According to the petitioner, the School Committee could not be constituted earlier. But, however, first respondent colluded with fourth respondent and constituted School Committee without there being any proper notice or even conducting elections. Hence, the present writ petition.

3 . At the time of hearing, the learned counsel for the petitioners reiterated the contentions.

4. On instructions, the learned Government Pleader for School Education, placed a Memo No.13194/Prog.II.2/2003-I, dated 26.08.2003, wherein the Government, after careful consideration of the matter, decided that where elections could not be held for the School Committees, such Committees have to be constituted by the members, who are the parents of the toppers in each class of the school by nomination. He also placed proceedings of the Mandal Educational Officer, Nakkapalli addressed to the District Educational Officer, Visakhapatnam, where the elections could not be conducted with reference to the school in question. He contended that with reference to six classes, the parents, who are eligible to be

elected as parents of the toppers of the class are specified. But, however, when notices were issued to the petitioners to attend the school for the meeting that is going to be conducted on 26.11.2004 among the parents of toppers in each class, the petitioners did not appear. Therefore, they were not nominated while the other four were nominated and consequently, fourth respondent elected as the Chairman of the Committee. Therefore, the learned Government Pleader contended that there is no justification in interfering with the election of fourth respondent as Chairman of the School Committee.

5. The learned counsel, however, contended that notice was issued showing that there is a meeting of the parents of the toppers of the classes on 26.11.2004, but, it is not specified that elections are going to be conducted or the parents of the toppers of the each class are going to be nominated as Members of the School Committee. In the absence of any specific mention, the absence of the petitioners for the meeting cannot be taken into consideration. Therefore, sought for appropriate orders.

6. Heard both sides and considered the material available on record.

7. Admittedly, the petitioners are representing two toppers in two classes out of six classes. The first respondent, however, nominated the other four parents of the toppers in the four other classes. But, however, the petitioners are excluded on the ground that they were not present on 26.11.2004 when the meeting was scheduled. But, when the purpose of meeting was not specified, the petitioners could not blamed for their absence.

8. Under the above circumstances and in view of the circular issued by the Government, the first respondent ought to have nominated the petitioners as members of the School Education Committee along with other parents of the toppers of the other classes. Therefore, the official respondents are directed to include the names of the petitioners in terms of the circular dated 26.08.2004 representing the toppers in respect of class III and IV.

9. The said action is directed to be completed within a period of four weeks from the date of receipt of a copy of the order.

10. The writ petition is accordingly disposed of at the admission stage.

(S.ANANDA REDDY, J)

Dt: 13.06.2005

Note: Furnish CC in one week

B/o

Bsv/va

To

1 The Head Master and Election Officer,
School Parents Committee, M.P.U.P.School, Nyayampudi Village,
Nakkapalli Mandal, Visakhapatnam District.
2 The Mandal Educational Officer, Mandal Parishad,
Nakkapalli Mandal, Visakhapatnam District.
3 The District Educational Officer, VUDA Buildings,
Siripuram Junction, Visakhapatnam District.
4 Two CCs to G.P for School Education, High Court of A.P. Buildings, Hyderabad (OUT)

5 Two CD Copies